

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327
THIS DOCUMENT RELATES TO: WAVE 1 CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**RESPONSE TO PLAINTIFFS' AMENDED MOTION TO EXCLUDE
THE OPINIONS AND TESTIMONY OF DR. THOMAS C. WRIGHT, JR., M.D.**

Ethicon, Inc. and Johnson & Johnson (collectively, “Ethicon”), submit this response (“Response”) to *Plaintiffs’ Memorandum of Law in Support of their Motion to Exclude the Opinions and Testimony of Thomas C. Wright, Jr., M.D.* [Doc. No. 1988] (“Motion”). The cases to which this Response applies are identified in Ex. A.

**ARGUMENT: THERE IS NO DISAGREEMENT
BECAUSE THE DEFENSE WILL NOT BE OFFERING DR. WRIGHT TO
TESTIFY AT TRIAL IN THE CHALLENGED AREAS**

In their Motion, Plaintiffs seek to bar Dr. Wright from testifying about three factual topics that are briefly discussed in the preliminary section of his report: (1) the causes of pelvic organ prolapse; (2) the treatment options for pelvic organ prolapse; and (3) the success and failure rates for pelvic organ prolapse treatments. *See* Ex. B, Wright General Report 1–2.

Frankly, Dr. Wright is more than qualified to talk about the cause of pelvic organ prolapse—it is typically caused by weakened pelvic floor connective tissue. Unlike Dr. Iakovlev, Dr. Wright is a Harvard Medical School trained anatomic pathologist. Ex. C, Wright

3/29/16 Dep. Tr. 6:3–7, who is also fellowship trained in gynecologic/obstetric pathology *id.* at 9:3–7). *See also* Ex. D, Wright CV. Dr. Wright also has experience as a researcher at Harvard Medical School and as an attending pathologist at Brigham and Women’s Hospital, one of the Harvard Medical School teaching hospitals. Ex. C, Wright 3/29/16 Dep. Tr. 10:1–18. From 1988 to 2013, Dr. Wright was both an attending pathologist and the Director of the Division of Gynecological, Obstetrical, and Cytological Pathology at Columbia University in New York City. Ex. B, Wright General Report 1; Ex. C, Wright 3/29/16 Dep. Tr. 16:15–19. And unlike Dr. Iakovlev, Dr. Wright actually treats patients in a clinical setting, having had chief responsibility for performing colposcopies while at Columbia. *Id.* at 7:22–8:2.

However, the point is moot, because Ethicon does not plan on introducing testimony from Dr. Wright in the trial of any Wave I case as to: (1) the causes of pelvic organ prolapse; (2) the treatment options for pelvic organ prolapse; and (3) the success and failure rates for pelvic organ prolapse treatments. These areas will be addressed by Ethicon’s expert urogynecologist—not Dr. Wright. So, despite the fact that Ethicon disagrees with many of the factual assertions in Plaintiffs’ Motion, there is no disagreement for the Court to resolve in regard to the Motion.

CONCLUSION

For the foregoing reasons, Ethicon does not oppose Plaintiffs' Motion as explained above.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to CM/ECF participants registered to receive service in this MDL.

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